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March 28, 2019

BY ECF

Honorable Ronnie Abrams
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1506
New York, New York 10007

**Citibank, N.A. v. Law Offices of Rachel Zamata
Case No. 18 CV 9973 (RA)**

Dear Judge Abrams,

We are counsel to plaintiff Citibank, N.A. By his letter from earlier today, Defendant's counsel asks this Court to "reject" Citibank's reasonable request to set a summary judgment motion briefing schedule because Defendant "never conceded that the [Counterfeit Check] is counterfeit." We respectfully submit that counsel's letter is a transparent attempt to manufacture an issue that does not exist. Whether the Counterfeit Check was, in fact, counterfeit is not a triable issue of material fact. Rather, all that is material is that Royal Bank dishonored the Counterfeit Check, and Citibank did not receive final payment. Defendant does not, and cannot, dispute this. Thus, pursuant to both controlling law and contract, Defendant is unquestionably liable to Citibank for the resulting Overdraft. Accordingly, Citibank's proposed summary judgment motion is ripe for adjudication.

Respectfully,


Bruce S. Goodman

BSG

cc: A. Michael Furman, Esq. (by ECF)